

EVENT VIOLATION INSPECTOR'S STATEMENT

Company/Mine: Andalex Resources, Inc/Centennial Project
 Permit #: C/007/019

NOV # 10003

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- | | | |
|-------------------------------------|----|--|
| <input type="checkbox"/> | a. | Activity outside the approved permit area. |
| <input type="checkbox"/> | b. | Injury to the public (public safety). |
| <input type="checkbox"/> | c. | Damage to property. |
| <input type="checkbox"/> | d. | Conducting activities without appropriate approvals. |
| <input type="checkbox"/> | e. | Environmental harm. |
| <input type="checkbox"/> | f. | Water pollution. |
| <input type="checkbox"/> | g. | Loss of reclamation/revegetation potential. |
| <input type="checkbox"/> | h. | Reduced establishment, diverse and effective vegetative cover. |
| <input type="checkbox"/> | i. | No event occurred as a result of the violation. |
| <input checked="" type="checkbox"/> | j. | Other. |

Explanation: Failure to control and contain noncoal waste in a controlled manner in the designated control structure. A review of inspection reports for the previous year, 2006, shows that noncoal waste items were found outside of the approved control structure on the following dates: 1/18/06, 2/15/06, 3/17/06, 6/22/06, 10/6/06, and 12/7/06. During the complete inspection in which citation #10003 was issued it was noted that the noncoal waste items were rampant throughout the mine disturbed area. No offsite impact occurred as a result of this citation.

2. Has the even occurred? Yes

If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: During the complete inspection in which citation #10003 was issued it was noted that the noncoal waste items were rampant throughout the mine disturbed area. No offsite impact occurred as a result of this citation.

3. Did any damage occur as a result of the violation? No

If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not bee discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: _____

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☐ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: _____

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

- ☒ Was the operator in violation of a specific permit condition?

Explanation: Failure to control and contain noncoal waste in a controlled manner in the designated control structure.

- ☐ Has DOGM or OSM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: The abatement date is February 12, 2007. The abatement work had not been completed at the time of this inspector's statement (February 8, 2007).

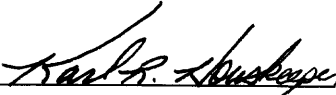
2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: Yes, mine personnel and storage containers.

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation:

Karl R. Houskeeper
Authorized Representative


Signature

February 9, 2007
Date

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